

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.725 OF 2017

Jaikumar Shaligram Chandak, Kela Nagar, Civil Lines, Khamgaon, Dist. Buldana

-vs-

State of Maharashtra, Thr. PSO, PS Khamgaon, Tah. Khamgaon, Dist. Buldana

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. V. Gupta, Senior Advocate with Shri A. A. Gupta,
Advocate for applicant.

Shri J. Y. Ghurde, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 27, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.342/2017 registered with Police Station Khamgaon, Dist. Buldana, for the offence punishable under Sections 420, 406, 407, 188 and 120-B of the Indian Penal Code read with Sections 3 and 7 of the Essential Commodities Act, 1955.

As per the First Information Report, on the basis of information received on 01/09/2017 that stock of food grain had been illegally stored in the godown of the applicant and said food grains were also being grinded for being sold in the open market, raid was conducted. Food grains worth Rs.32,40,395/- came to be seized. On that basis the crime was registered and the investigation commenced.

It is submitted on behalf of the applicant that on perusal of the First Information Report, it would only reveal that there is non-compliance of requirements of the provisions of the

Essential Commodities Act, 1955. The applicant holds a valid license for distribution of food grains which now stands suspended. The entire stock of good grains in question has been duly seized. The relevant documents such as registers and vouchers were submitted to the District Supply Officer who is also conducting a separate inquiry. In so far as running of flour mill near the said fair price shop is concerned, it is submitted that this activity is going on since long with due permission. The gunny bags bearing the stamp of Government Authorities is on account of such bags being purchased from the market for storing the food grain. It is therefore submitted that there is no need of custodial interrogation as the applicant has co-operated with the investigation. It is also submitted that the First Information Report does not make reference to breach of any specific order under the Essential Commodities Act, 1955.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that considering the quantity of food grains seized and the gravity of offence, detailed investigation is necessary. Though certain documents have been duly seized, the applicant is not co-operating the investigation. The investigation made reveals that some stock of good grains is shown to be supplied to non-existent persons. It is therefore submitted that the application deserves to be rejected.

Perused the First Information Report as well as reply filed. As per the report, the case of the prosecution is that

stock of food grain which could not be properly accounted and which was found in gunny bags bearing the stamp of other Government Authorities has given rise to said offence. Running of a floor mill next to the said price shop is also stated to be objectionable. It is to be noted that a separate inquiry was also initiated by the District Supply Officer who has since suspended the fair price shop license of the applicant. As per the interim directions issued, the applicant was directed to attend the concerned police station which he has done. A questionnaire containing seventy questions has been answered. The District Supply Officer has given his statement on 23/11/2017 in which it is stated that almost entire record with relation to the fair price shop is now with the said Authorities.

Considering the nature of allegations made in the report, I find that the case of the prosecution is based mostly on documentary material which is now with the concerned Authorities. I do not find any justifiable reason for seeking custodial interrogation of the applicant. He can instead be directed to co-operate with the investigating agency.

Accordingly in the event of applicant's arrest in connection with Crime No.342/2017 registered with Police Station Khamgaon, Dist. Buldana, for the offence punishable under Sections 420, 406, 407, 188 and 120-B of the Indian Penal Code read with Sections 3 and 7 of the Essential Commodities Act, 1955, he shall be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant shall attend the concerned police station on 04/12/2017 between 11 am and 1 pm and thereafter as per the directions of the Investigating Officer.

No steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE